

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN WRIGHT,

Defendant.

Case No. 2:14-cr-357-APG-VCF

**ORDER AND
REPORT & RECOMMENDATION**

MOTION TO EXTEND TIME (#102)

MOTION TO EXTEND TIME (#113)

MOTION TO DISMISS (#116)

MOTION FOR LEAVE (#119)

The government has filed three motions to extend time to respond to Mr. Wright's motion to suppress. *See* (Docs. #102, #113, #119). Mr. Wright filed an opposition (#115) and a counter Motion to Dismiss (#116). The government's motions are granted and Mr. Wright's motion should be denied.

Provided a criminal defendant's constitutional or speedy-trial rights are not violated, the court has broad discretion to manage its docket and calendar. *See* FED. R. CRIM. P. 50, Advisory Comm. Notes (1944). Before the government requested an extension, trial had already been set for November 16, 2015. Because the government's requests for extensions do not impact the trial date, the court considers the postponement of its consideration of Mr. Wright's motion to suppress as harmless.

Nonetheless, Mr. Wright argues that the motions should be denied because the government's failure to file a response to his motion to suppress when initially intended constitutes a "flat out lie." (Doc. #116 at 2). Mr. Wright contends that this is perjury and the indictment should be dismissed. (*Id.* at 3). The authorities he cites are inapplicable and the court is unpersuaded by his arguments.

ACCORDINGLY, and for good cause shown,

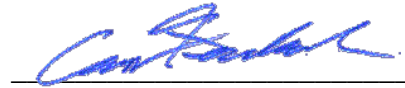
IT IS ORDERED that the government's Motion to Extend Time (#102) is GRANTED.

IT IS FURTHER ORDERED that the government's Motion to Extend Time (#113) is GRANTED.

1 IT IS FURTHER ORDERED that the government's Motion for Leave (#119) is GRANTED.

2 IT IS RECOMMENDED that Mr. Wright's Motion to Dismiss (#116) be DENIED.

3 DATED this 5th day of October, 2015.

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7 CAM FERENBACH
8 UNITED STATES MAGISTRATE JUDGE
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